

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to deer hunting by residents

The Natural Resource Commission (Commission) hereby amends Chapter 106, “Deer Hunting by Residents,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6)“a,” 481A.39, and 481A.48(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 481A.39 and 481A.48(1).

Purpose and Summary

Chapter 106 contains the regulations for deer hunting by residents in the state of Iowa and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and methods of take, and transportation and reporting requirements.

This rule making adopts six specific amendments to Chapter 106, which collectively accomplish the following three broader changes to the deer hunting regulations. First, general deer licenses are being reestablished as valid for all seasons in three counties: Hamilton, Webster, and Wright. Deer populations have been steadily increasing in northwest Iowa, allowing for this increase in recreational opportunities for Iowa hunters.

Second, the January antlerless-deer-only season is being conditionally reinstated for five counties: Allamakee, Appanoose, Decatur, Wayne, and Winneshiek. The season will only happen, on a county-by-county basis, if the respective number of unsold antlerless-deer-only licenses exceeds 100 in a county on the third Monday in December. This change accomplishes two objectives for deer population and disease management: (1) it maintains a stable level of antlerless-deer harvest earlier during the hunting season when deer are still within their breeding home range, thus slowing the spread of chronic wasting disease among deer family groups, and (2) it allows opportunities for additional antlerless-deer harvest later in the hunting season to help with population management. The Department’s goal moving forward will be to stabilize deer numbers in these counties and slow the spread of chronic wasting disease.

Third, county antlerless-deer-only license quotas are being modified in 25 counties for an overall statewide increase of 1,250 more tags. Quotas are being increased in Buchanan, Butler, Dallas, Des Moines, Dubuque, Fayette, Floyd, Henry, Johnson, Keokuk, Lee, Louisa, Madison, Marion, Muscatine, and Warren Counties to reduce deer densities for the purpose of disease control or to alleviate negative human-deer interactions. Quotas will be decreased in Adams, Fremont, Harrison, Jasper, Mills, Monona, Pottawattamie, Wapello, and Woodbury Counties to stabilize healthy local deer populations.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 10, 2021, as **ARC 5509C**.

A public hearing was held on March 30, 2021, at 1 p.m. via video/conference call. No one attended the hearing. No public comments were received.

Two changes from the Notice have been made. The first is in Items 3 and 8 to correct the age eligibility for senior crossbow licenses from 70 to 65 to align with the authorizing statute, Iowa Code section 483A.8B(1) as amended by 2020 Iowa Acts, House File 2410 (signed by Governor

Reynolds on June 25, 2020). The second is to correct an erroneous date in Item 4. The duration of the antlerless-deer-only season will run from January 11 through the second Sunday following that date, not through the third Sunday in January as stated in the Notice. That was an error. The antlerless-deer-only season has historically always run this corrected duration. This correction expands the season, provides more opportunity, and aligns with hunters' past experience and future expectations.

Adoption of Rule Making

This rule making was adopted by the Commission on May 13, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 21, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend paragraph **106.1(1)“a”** as follows:

a. General deer licenses. General deer licenses shall be valid for taking deer in one season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of either sex except in Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, ~~Hamilton~~, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, ~~and~~ Sioux, ~~Webster, and Wright~~ Counties during the first regular gun season when the general deer license will be valid for taking deer with at least one forked antler. Paid general deer licenses shall be valid statewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

ITEM 2. Adopt the following new subrule 106.1(6):

106.1(6) January antlerless-deer-only licenses. Licenses for the January antlerless-deer-only season may be issued for the following counties: Allamakee, Appanoose, Decatur, Wayne, and Winneshiek. January antlerless-deer-only licenses shall be issued for a county only when a minimum of 100 antlerless-deer-only licenses, as described in subrule 106.6(6), remain unsold in that county as of the third Monday in December. If 100 or more antlerless-deer-only licenses remain unsold for a given county as of the third Monday in December, those remaining antlerless-deer-only licenses

shall be made available for the January antlerless-deer-only season in that county until the relevant antlerless-deer-only quota as described in subrule 106.6(6) is met.

ITEM 3. Amend subrule 106.1(8) as follows:

106.1(8) *Antlerless-deer-only crossbow licenses for senior citizens.* Persons ~~70~~ 65 years old or older may obtain one paid antlerless-deer-only license valid statewide for taking antlerless deer with a crossbow. The license will be valid only during the bow season.

ITEM 4. Adopt the following **new** subrule 106.2(5):

106.2(5) *January antlerless-deer-only season.* Deer may be taken in accordance with the type, season, and zone designated on the license from January 11 through the second Sunday following that date.

ITEM 5. Adopt the following **new** subrule 106.4(5):

106.4(5) *January antlerless-deer-only season.* The bag limit is one deer per license. The possession limit is one deer per license.

ITEM 6. Adopt the following **new** subrule 106.6(4):

106.6(4) *January antlerless-deer-only season.* Only antlerless-deer-only licenses, paid or free, are available in counties pursuant to the conditions described in subrule 106.1(6). A license must be used during the January antlerless-deer-only season as described in subrule 106.2(5) and in the county or deer population management area selected at the time the license is purchased. Free antlerless-deer-only licenses shall be available only in the portion of the farm unit located in a county where paid antlerless-deer-only licenses are available during the January antlerless-deer-only season.

ITEM 7. Amend subrule 106.6(6) as follows:

106.6(6) *Antlerless-deer-only licenses.* Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1200	Floyd	100 <u>150</u>	Monona	850 <u>750</u>
Adams	1200 <u>1000</u>	Franklin	0	Monroe	2250
Allamakee	3800	Fremont	200 <u>100</u>	Montgomery	500
Appanoose	2700	Greene	0	Muscatine	775 <u>900</u>
Audubon	0	Grundy	0	O'Brien	0
Benton	325	Guthrie	2150	Osceola	0
Black Hawk	0	Hamilton	0	Page	500
Boone	300	Hancock	0	Palo Alto	0
Bremer	300	Hardin	0	Plymouth	0
Buchanan	300 <u>400</u>	Harrison	850 <u>750</u>	Pocahontas	0
Buena Vista	0	Henry	925 <u>1050</u>	Polk	1350
Butler	450 <u>200</u>	Howard	450	Pottawattamie	850 <u>750</u>
Calhoun	0	Humboldt	0	Poweshiek	200
Carroll	0	Ida	0	Ringgold	1400
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	1100	Scott	200
Cerro Gordo	0	Jasper	775 <u>575</u>	Shelby	0
Cherokee	0	Jefferson	1500	Sioux	0
Chickasaw	375	Johnson	850 <u>950</u>	Story	150
Clarke	2400	Jones	1100	Tama	300
Clay	0	Keokuk	450 <u>500</u>	Taylor	1500
Clayton	4000	Kossuth	0	Union	1400

County	Quota	County	Quota	County	Quota
Clinton	400	Lee	1500 <u>1700</u>	Van Buren	2100
Crawford	0	Linn	850	Wapello	1700 <u>1600</u>
Dallas	1875 <u>2100</u>	Louisa	675 <u>775</u>	Warren	2700 <u>3000</u>
Davis	1700	Lucas	2500	Washington	1000
Decatur	2200	Lyon	0	Wayne	2700
Delaware	950	Madison	3000 <u>3300</u>	Webster	0
Des Moines	800 <u>900</u>	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1850 <u>2050</u>	Winneshiek	2700
Dubuque	975 <u>1200</u>	Marshall	150	Woodbury	300 <u>200</u>
Emmet	0	Mills	500 <u>300</u>	Worth	0
Fayette	2300 <u>2500</u>	Mitchell	100	Wright	0

ITEM 8. Amend subparagraph **106.7(1)“a”(2)** as follows:

(2) By persons over the age of ~~70~~ 65 with an antlerless-deer-only license as provided in Iowa Code section 483A.8B.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 6/16/21.